



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,164	02/17/2004	Aaron J. Acton	2835-73827	1261
23643	7590	05/02/2005		
BARNES & THORNBURG 11 SOUTH MERIDIAN INDIANAPOLIS, IN 46204			EXAMINER SANDY, ROBERT JOHN	
			ART UNIT 3677	PAPER NUMBER

DATE MAILED: 05/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/780,164

Applicant(s)

ACTON ET AL.

Examiner

Robert J. Sandy

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION:

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 6-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/17/03 & 8/2/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Priority

The first sentence of the written specification states a claim of "benefit of and priority to U.S. Provisional Patent Application NO. 60/448,047, filed 17 February 2003" which is inconsistent with PTO records. PTO records indicate U.S. Provisional Application No. 60/448,047 as having a priority date of 18 February 2003.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker (U. S. Patent No. 3,972,546). Walker ('546) discloses a web adjuster device comprising: a frame (21) comprising a pair of spaced apart side walls (23), and a first web engaging surface (25) extending transversely between the side walls; a web clamping member (31) movably mounted to the frame between the pair of side walls, the web clamping member defining a second web engaging surface (34) and a third web engaging surface (36) separate from the second web engaging surface; wherein the frame is configured to receive a web (14) extending between the side walls, at least partially around the web clamping member, and between the first and second web engaging surfaces and adjacent to or in contact with the third web engaging surface; and wherein the third web engaging surface is configured to be responsive to a first direction (as demonstrated in Figs. 1 and 4, and described in the paragraph beginning in col. 3, line 41) of web travel through the web adjuster device to urge the second web engaging surface toward the first web engaging surface to trap the web therebetween;

(concerning claim 2) a bearing member (38) movably mounted to the frame between the pair of sidewalls wherein the web extends at least partially around (fig. 4) the bearing member;

Art Unit: 3677

(concerning claim 3) a central axis (of round bar 30) extending transversely between the side walls and wherein the web clamping member and the bearing member each move about the central axis;

(concerning claim 4) the web clamping member rotates (col. 3, line 60) about the central axis; and

(concerning claim 5) the bearing member rotates about the central axis.

Concerning claim 19, Walker ('546) discloses a web adjuster device comprising: a frame (21) with a pair of spaced apart side walls (23) and having a coupling portion (30) and a web stop (25) extending across the frame; an elongate member (31) mounted between the spaced apart side walls; a bearing member (38) movably mounted on the elongate member which extends through the bearing member, the bearing member having a longitudinal axis of rotation; means (surfaces 34, 25, and 36) for clamping movably mounted to the frame; a web (14) extending at least partially around each of the bearing member and the means for clamping and passing between the means for clamping and the web stop; the web clamping member responsive to a first direction of travel of the web relative to the frame to urge the means for clamping toward the web stop to trap the web therebetween.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker ('546) in view of Merrick (U. S. Patent No. 5,311,653, cited by applicant). Walker ('546) discloses the claimed web adjusted device except for wherein the web is coated to facilitate cleansing of the web. Merrick ('653) teaches that it is known to have provided a plastic coating to a web (col. 1, bridging lines 32-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a coating to the web of Walker ('546), as

Art Unit: 3677

taught by Merrick ('653), since Merrick ('653) describes in col 1, lines 29-33, that "In the event the patient's body fluids contact the stretcher and components including the web, then the same must be cleansed and disinfected before reuse. As a result, the web utilized is provided with a plastic coating to facilitate the cleansing thereof."

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker ('56), as suggested by Merrick ('653) as applied to claim 20 above, and further in view of Collingwood et al. (U. S. Patent No. 3,460,336). Walker ('56), as suggested by Merrick ('653), discloses the claimed web adjusted device except for the web is fluorescent. Collingwood et al. ('336) teaches where it is known to have "seat belts" (col. 13, line 2) made to include "yarns" (col. 13, line 39) containing "fluorescent agents and brighteners" (col. 13, bridging lines 53-54). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the web to be fluorescent since Collingwood et al. ('336) demonstrates fluorescents in seat belts was well known. Furthermore, have fluorescent agents and brighteners provided in the yarns of seat belts would enable one to visually located the seat belt in an automobile for use thereof.

Allowable Subject Matter

Claims 6-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 22 is allowed.

The following is an examiner's statement of reasons for allowance: concerning claim 22, the prior art of record fails to teach or suggest a web adjuster having the structural combination of elements to further include a bearing member mounted by the pin to the webbing guide and movable with respect to the webbing guide, the bearing member extending radially beyond the web clamping member.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3677

Conclusion

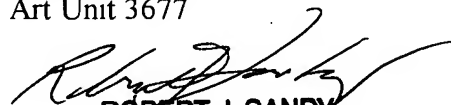
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 571-272-7073. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert J. Sandy
Primary Examiner
Art Unit 3677



ROBERT J. SANDY
PRIMARY EXAMINER